

EXECUTIVE OFFICE,
AUSTIN, December 9th, 1859. }

Hon. F. R. Lubbock,

President Senate:

In compliance with a resolution of the Senate of this date, I herewith inclose a communication of Capt. John S. Ford, and the printed pronouncement of Cortinas accompanying it, received by express on yesterday.

H. R. RUNNELS.

On motion of Mr. Britton, the communication was laid on the table. And on motion of Lott, the Senate adjourned until 10 o'clock, to-morrow morning.

SATURDAY, December 10th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed bills, re-reported a bill for the relief of the heirs of William J. Wills, correctly engrossed.

Mr. Grimes, chairman of the committee on Finance, made the following report :

The committee on Finance, to whom was referred a bill relinquishing the State taxes to the county of Hill, have considered the same, and have instructed me to offer a substitute for said bill and recommend its passage.

Mr. Duggan, chairman of the committee on County and County Boundaries, made the following report :

The committee on County and County Boundaries, to whom was referred the petition of the citizens of Uvalde county, have had the same under consideration, and are of the opinion that justice demands that the prayer of the petitioner should be granted. And have instructed me to report the accompanying bill and recommend its passage.

A bill to change and adjust the Western boundary lines of the counties of Uvalde and Dawson, and the Eastern boundary line of the county of Kinney. Read 1st time.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred the petition of James Rodgers, have considered it, and instructed me to report the same back, and ask that the relief be

not granted. They have instructed me to say that they think it would be bad policy at this late date, to depart from what is the policy of the State, in relation to the Texas promisory notes. And to relieve Mr. Rodgers, they must relieve others in the same situation, and they think it would cost the State a large sum of money and but a small part of it would go to parties meritorious.

Mr. Grimes, chairman of the committee on Finance, made the following report :

The committee on Finance, have instructed me to return to the Senate, the joint resolution authorising the Governor to appoint some suitable person to take charge of the Library, and recommend that it be referred to the committee on the Capitol and Capitol Grounds.

On motion of Mr. Guinn, the rule was suspended and the report taken up and adopted.

Mr. Wallace, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to amend the 34th section of an act to regulate the proceedings in District court, passed May 13th, 1846, have considered the same and a majority of the committee have instructed me to report it back and recommend its passage.

Mr. Walker, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands, have considered the bill ordering the return of certificates in Fisher's and Miller's colony, have considered the same, and instructed me to return it to the Senate and recommend its passage.

Mr. Britton offered the following resolution :

Resolved, That the Treasurer of the State, be and is hereby authorized to pay the sum of \$75 00, out of the contingent fund to David Sloss, for expenses incurred while on express from Capt. Ford to the Governor of the State, during the month of December, 1859. Adopted by the following vote :

YEAS—Messrs. Britton, Dickinson, Erath, Fall, Gentry, Harman, Herbert, Lott, Parsons, Paschal, Potter, Scarborough, Schleicher, Shepard, Steckdale, Throckmorton, Townes and Wallace—18.

NAYS—Messrs. Chambers, Daggan, Grimes, Guinn, Hart, Martin, Quinan, Rains, Rainey, Sims, Walker and Whaley—12.

Mr. Quinan, chairman of the committee on Education, to whom was referred a bill empowering the County court of the county of Calhoun, in the State of Texas, to regulate and restrain the run-

ing at large of hogs in said county, reported the bill back to the Senate for its consideration.

A message was received from the House informing the Senate, that the House had passed the following bills :

A bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1856.

A bill for the relief of Mary Elam.

A bill to repeal an act creating a system of Bankruptcy, and regulating the collection of Foreign Debts.

A bill to relieve Jackson L. Leonard from the disabilities of minority, and permit him to practice law.

A bill regulating public sales in the county of Bastrop.

A bill to regulate Factors and Warehousemen.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1859.

A bill from the Senate to provide for patenting Headright Certificates, not presented to the Court of Claims for approval, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, with amendments. And the following resolution :

Resolved, (The Senate concurring) that a committee of three on the part of the House and two on the part of the Senate, be appointed to make arrangements for the Inauguration of the Governor and Lieut. Governor elect, on the twenty-first of December instant, and that they be instructed to report on or before the 17th inst., and that Messrs. Navarro, Baxter and Maxey were appointed the committee on the part of the House, which was concurred in by the Senate, and Messrs. Schleicher and Whaley were appointed said committee on the part of the Senate.

ORDERS OF THE DAY.

A bill to regulate Factors and Warehousemen. Read 1st and 2nd times and referred to the committee on Agriculture.

A bill regulating public sales in the county of Bastrop. Read 1st time.

On motion of Mr. Townes, the rule was suspended and read 2nd time.

On motion of Mr. Quinan, the bill was amended, by adding after the word "sale" the words "and also at the Court-house door." The bill was then passed to a 3rd reading, and on motion of Mr. Townes, rule further suspended, bill read 3rd time and passed.

A bill to relieve Jackson L. Leonard, from the disability of minority and permit him to practice law. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1853. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to repeal an act creating a system of Bankruptcy, and regulating the collection of Foreign Debts. Read 1st and 2nd times and referred to the committee on the Judiciary.

A bill for the relief of Mary Elam. Read 1st and 2nd times and referred to the committee on Private Land Claims.

A bill to amend the act to incorporate the city of San Antonio, approved July 17th, 1856. Read 1st and 2nd times and referred to the Judiciary committee.

A bill to provide for patenting Headright Certificates, not presented to the Court of Claims, within the time prescribed by law, and for issuing duplicate and unlocated balance certificates. Read 1st time and amendment of the House concurred in.

Mr. Schleicher introduced a bill regulating salvage on horses recovered from Indians. Read 1st and 2nd times and referred to the committee on Indian Affairs.

Mr. Potter introduced a bill to amend the 11th section of the act of February 7th, 1853, entitled "an act to incorporate the Galveston, Houston and Henderson Railroad Company. Read 1st time.

On motion of Mr. Potter, rule suspended, bill read 2nd time and ordered to be engrossed.

On motion of Mr. Hart, the rule was further suspended, bill read 3rd time and passed by the following vote ;

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Lott, Martin, Paschal, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—28.

A bill for the relief of Joseph C. Perez. Read 2nd time, and the question being on the engrossment of the bill, was put and lost by the following vote :

YEAS—Messrs. Britton, Chambers, Erath, Gentry, Hyde, Martin, Paschal, Potter, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Townes—14.

NAYS—Messrs. Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Lott, Parsons, Pitts, Quinan, Rains, Rainey, Sims, Walker, Wallace and Whaley—18.

A bill for the protection of the frontier.

The question being on the adoption of the amendment offered on yesterday by Mr. Parsons, to the 1st section of the bill.

Mr. Erath moved a call of the Senate.

The call being had the yeas and nays were called on the question and stood as follows :

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Lott, Parsons, Pitts, Quinan, Rains, Rainey, Shepard, Sims, Stockdale and Wallace—16.

NAYS—Messrs. Britton, Erath, Gentry, Harman, Hart, Herbert, Hyde, Martin, Paschal, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—15.

So the amendment was adopted.

On motion of Mr. Scarborough, the vote refusing to adopt the substitute offered by Mr. Stockdale on yesterday for the bill was reconsidered.

The question on its adoption was then put and carried by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Grimes, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton and Townes—23.

NAYS—Messrs. Fall, Guinn, Harman, Hart, Rainey, Sims, Walker, Wallace and Whaley—8.

Mr. Erath offered the following amendment :

Insert after the word "frontier" in the tenth line of section 1, as follows :

"And one-half of said force at least, shall be immediately placed on the frontier, in such manner as to act as spies and minute men for the protection and defence of the settlements as the Governor may think proper."

Mr. Guinn proposed the following to the amendment :

"Provided the Governor may think necessary"

Mr. Quinan moved to lay the amendment of Mr. Guinn on the table, which was carried by the following vote :

YEAS—Messrs. Britton, Erath, Gentry, Herbert, Hyde, Martin, Paschal, Quinan, Rains, Scarborough, Schleicher, Throckmorton, Townes, Walker and Whaley—15.

NAYS—Messrs. Chambers, Dickinson, Fall, Grimes, Guinn, Hart, Lott, Parsons, Pitts, Potter, Rainey, Shepard, Sims, Stockdale and Wallace—15.

The President voting YEA.

Mr. Guinn then moved to lay the amendment of Mr. Erath on the table, which was lost by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Hart, Parsons, Rains, Rainey, Shepard, Sims and Wallace—13.

NAYS—Messrs. Britton, Erath, Gentry, Herbert, Hyde, Lott,

Martin, Paschal, Pitts, Potter, Quinan, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker and Whaley—18.

Mr. Stockdale offered the following to the amendment of Mr. Erath.

“Insert after the word “immediately” the words “after their organization.” Adopted.

The question was then taken on the adoption of the amendment and carried.

Mr. Hart offered the following amendment :

“And that one million of dollars or so much thereof, as may be necessary, is hereby appropriated out of any money now in the Treasury, or which may come into the Treasury before the meeting of the next Legislature, to pay said troops and furnish supplies for the same.”

Mr. Britton moved to lay the amendment on the table, which was carried by the following vote :

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Lott, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Messrs. Guinn, Hart, Martin, Sims and Wallace—5.

Mr. Schleicher moved to fill the blank in section 3, with the words “one hundred and eighty dollars.” Carried by the following vote :

YEES—Messrs. Britton, Dickinson, Duggan, Erath, Gentry, Harman, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Messrs. Chambers, Fall, Grimes, Guinn, Hart, Sims and Wallace—7.

Mr. Stockdale offered the following preamble to the bill :

WHEREAS, a state of hostilities exists between the people of the State of Texas, and various Indian tribes who inhabit the unsettled portions of the State and adjacent territory—bands of said Indians having at various times within the last three years invaded our settlements, murdered our people and carried off or destroyed their property, so that the frontier settlements are receding before the invaders, and our frontier counties in danger of depopulation ; and

WHEREAS, the Federal Government, whose duty it is primarily, to protect the State from such hostilities has not efficiently afforded such protection ; and

WHEREAS, we are continually in such *imminent danger of being invaded* by said hostile Indian tribes, as will not admit of delay. *Therefore—* Adopted.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Harman, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Messrs. Fall, Grimes, Guinn, Hart, Rains, Sims and Wallace—7.

On motion of Mr. Duggan, a bill to regulate the election of superintendent of the Penitentiary was taken up.

Mr. Duggan offered the following amendment:

“SEC. 3. That this act take effect and be in force from and after its passage.”

On motion of Mr. Throckmorton, the bill was made the special order for Tuesday the 13th inst.

On motion of Mr. Quinan, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, December 12th, 1859.

Senate met pursuant to adjournment: Prayer by Rev. Mr. McGee—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Walker, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, have again considered the bill to amend the 5th, 8th and 9th sections of an act to authorize the sale of the public domain, and have instructed me to return the bill to the Senate with the following amendments, and recommend their adoption and the passage of the bill.

Amendments 1st. Amend caption by inserting “2nd” before “5th section.”

Amend 1st section, by striking out the three first lines and inserting:

SEC. 1st. *Be it enacted by the Legislature of the State of Texas,* That the 2nd, 5th, 8th and 9th sections of the above recited act be so amended as to read as follows:

SEC. 2nd. The alternate sections of land surveyed and reserved to the State under the provisions of the laws to encourage